

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DAVID SWIMM,  
Plaintiff,

v.

Case No. 1:20-CV-11448-RWZ

STEVEN BOYD JUTRAS,  
Defendant,

and

GENERAL LINEN SERVICE, LLC,  
Defendant.

**JOINT MOTION TO EXTEND DISCOVERY PLAN**

NOW COME the parties in the above entitled matter and move to extend the Discovery Plan proposed by the parties and ordered by the Court on December 22, 2020. In support thereof, the parties state the following:

1. Plaintiff alleges injuries and damages after a motor vehicle accident that occurred on October 16, 2019 in Chelsea, Massachusetts. Plaintiff alleges that his motor vehicle was stopped when the collision occurred. Plaintiff alleges medical expenses of \$5,485. Plaintiff filed suit based on diversity jurisdiction whereas the plaintiff is domiciled in Massachusetts, while the defendants are domiciled in New Hampshire.

Defendants contend that the Court lacks jurisdiction of this matter due to the amount of alleged damages. Defendants contest causation of the alleged injuries and damages.

2. On December 16, 2020, the parties filed the following joint proposed Discovery Plan and Motion Deadline, which were endorsed by the Court on December 22, 2020:

Written discovery and depositions to conclude by March 30, 2021;  
Plaintiff's expert disclosures due by April 30, 2021;  
Defendant's expert disclosures due by June 30, 2021;  
Depositions of experts due by August 30, 2021;  
Summary judgment motions to file by September 30, 2021;  
Pretrial conference to complete by October 30, 2021.

3. The plaintiff's deposition was conducted on February 17, 2021; however, the deposition was suspended as the plaintiff had not produced responses to the defendants' discovery requests that were served on September 30, 2020.

4. On March 11, 2021, Attorney Teravainen withdrew from representing the defendants and Attorney Massimilla filed her Notice of Appearance. The plaintiff noticed the deposition of Steven Jutras for April 26, 2021, but Attorney Massimilla had a scheduling conflict.

5. On March 17, 2021, the plaintiff produced responses to the plaintiff's discovery requests. The plaintiff alleges that he suffered a broad based disc extrusion at L1- 2 and broad based disc protrusion at L5- S1. The plaintiff produced the reports of two experts which the plaintiff intends to call to testify at the trial of this matter. One of those experts concludes that the plaintiff will require \$402,225.78 in future medical care. The defendants dispute this claim.

6. The deposition of Steven Jutras has been rescheduled for June 30, 2021, the earliest date available for both counsel.

7. Given the above course of the case since the original Discovery Plan was set, the parties require additional time to complete discovery and the defendants require additional time to retain an expert. Accordingly, the parties request that the Discovery Plan and Motion Deadlines be extended as follows:

Written discovery and depositions to conclude by July 30, 2021;  
Plaintiff's expert disclosures due by August 30, 2021;  
Defendant's expert disclosures due by September 30, 2021;  
Depositions of experts due by November 30, 2021;  
Summary judgment motions to file by December 30, 2021;  
Pretrial conference to complete by January 30, 2022.

WHEREFORE the parties jointly request that this Motion be allowed.

Respectfully submitted:

Plaintiff David Swimm,

Defendant Steven Boyd Jutras and  
General Linen Service, LLC,

By his attorney,

By its attorney,

*/s/ Carleigh S. Baldwin*

*/s/ Daniella Massimilla*

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**CERTIFICATE OF SERVICE**

Pursuant to L.R. 5.2(b), I hereby certify that I have served a true copy of this document via Notice of Electronic Filing for parties and counsel who receive electronic notice by the CM/ECF system and via first class mail for parties and counsel who do not receive electronic notice by the CM/ECF.

Dated this 12<sup>th</sup> day of May, 2021.

*/s/ Daniella Massimilla*

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Daniell Massimilla